

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON**

IN RE: ETHICON, INC. PELVIC REPAIR SYSTEM PRODUCTS LIABILITY LITIGATION	Master File No. 2:12-MD-02327 MDL No. 2327
THIS DOCUMENT RELATES TO ALL CASES	JOSEPH R. GOODWIN U.S. DISTRICT JUDGE

**ETHICON’S RESPONSES AND OBJECTIONS TO DOCUMENT REQUESTS
ACCOMPANYING PLAINTIFFS’ NOTICE OF DEPOSITION**

Defendant Ethicon, Inc. (“Ethicon”) hereby responds to the document requests contained in Plaintiffs’ Notice of Deposition Regarding Document Collection and Preservation:

Document Request No. 1: All documents referred to by the Deponent(s) or anyone assisting the Deponent(s) in preparing for his or her testimony on the above deposition topics.

Responses and Objections to Document Request No. 1: Ethicon states that all interview notes relied upon by the deponent have already been produced to Plaintiff. To the extent that additional notes are created by the deponent in connection with his preparation for the deposition referred to in this this Request, they will be made available in advance of the deposition. In addition, Ethicon states that it will produce documents reviewed by the deponent to prepare for this deposition, to the extent not already produced. To the extent that this request seeks additional documents, defendants object to this request on the grounds that it is (a) overbroad and unduly burdensome and (b) seeks information protected by the attorney-client privilege and/or the attorney work product doctrine.

Document Request No. 2: All documents concerning whether documents of sales representative or other sales department personnel or their managers relevant to this litigation may not have been preserved.

Responses and Objections to Document Request No. 2: Ethicon refers plaintiffs to documents produced in connection with the deposition of James M. Mittenthal taken in this action on May 14, 2013 and any additional documents Mr. Mittenthal may create or obtain in connection with interviews conducted in connection with his preparation for the deposition that is the subject of this Request. To the extent that this Request seeks additional documents, Ethicon objects to this Request on the grounds that it seeks documents protected by the attorney-client privilege and/or the attorney work product doctrine.

Document Request No. 3: All documents concerning interviews or investigation conducted by You or your attorneys to determine (a) whether sales representative or other sales department personnel and their managers understood hold notices and policies, (b) whether sales representative or other sales department personnel and their managers complied with hold notices and policies, (c) whether sales representatives' or other sales department personnel's and managers' documents were retained following their departure from Your employ, (d) whether documents that should have been preserved and produced were lost or destroyed, and (e) the nature and extend of the documents that may have been lost or destroyed.

Responses and Objections to Document Request No. 3: Ethicon refers to and incorporates herein its response to Request No. 2.

Document Request No. 4: All documents provided to you by any former employee in response to any formal or informal Request by you relating to this litigation.

Responses and Objections to Document Request No. 4: To the extent that this Request seeks documents provided to Ethicon by former employees concerning issues relevant to this litigation, such information has been or will be produced.

Dated: July 1, 2013

Respectfully submitted,

/s/ Christy D. Jones

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CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2013, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to CM/ECF participants registered to receive service in this MDL.

/s/ Christy D. Jones

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